



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/528,566 | 12/14/2005 | Reinhold Burr | 016906-0385 | 6385 |

22428 7590 12/06/2006

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MILLER, SAMANTHA A

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/528,566 | Applicant(s) BURR ET AL. | |
| | Examiner Samantha A. Miller | Art Unit 3749 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinmartin (Pat. 5,101,883). Kinmartin teaches in the specification and Figs.1- 7 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

Kinmartin teaches an air inlet, in particular for a motor vehicle, having an air duct (10) supplying air, a metering device (30a, 30b) and an air-guiding device (12), characterized in that the air in the air-guiding device (12), at least in regions, is divided into a plurality of subducts (36a, 36b), without any significant change in direction of the subducts (36a, 36b) being provided in the divided entry region (38) (col.3 ll.7-18) (Fig.2). The air-guiding device (12) has a partition (40) which, at least in regions, runs as an extension of the longitudinal direction of the air duct (12) (col.3 ll.7-18) (Fig.2). The division (40, 34) of the air duct (10, 12) into a plurality of subducts (36a, 36b) is provided for at a distance of 1 to 10, in particular 2 to 5, times the mean diameter of the air duct (10) in the corresponding region upstream of the exit of the air from the air-guiding device (12) (Fig.2). The air-guiding device (12) has an elbow, with the air being divided

Art Unit: 3749

into a plurality of, in particular two, subducts (36a, 36b) in the region of the elbow (Fig.2). The angle of the elbow (interior angle from duct 10 to air-guiding device 12) is shown as 90° (Fig.2). The division in the entry region (10) into the region with two subducts (36a, 36b) is axially symmetrical (col.3 ll.7-18) (Fig.2). The metering device (30a, 30b) is arranged upstream of the air-guiding device (12) (Fig.2). The air-guiding device (12) is designed in such a manner that a middle region and an outer region, to which air can flow through different subducts (36a, 36b), are provided in the outflow region from the air-guiding device (12) (Fig.2). The metering device (30a, 30b) is designed in such a manner that the air, which can be fed to the individual subducts (36a, 36b), is controllable (col.2 ll.59-67) (Fig.2). The metering device (30a, 30b) controls both the distribution of the incoming air between the individual subducts (36a, 36b) and the metering thereof (col.2 ll.59-67). Kinmatin also teaches a metering device provided is an actuating device (66) has a double flap (62, 64) controlled by means of a cam disc or a kinematic mechanism (link 68) (col.3 ll.47-49) (Fig.2). The actuating device (66) is connected directly, via a shaft (col.3 ll.56-58), to an actuating member (link 68) (col.3 ll.47-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3749

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinmartin in view of Kamiya (Pat. 6,575,701).

Kinmartin teaches the invention as discussed above. However, Kinmartin does not teach a coiled or elongate, helical region.

Kamiya teaches an air-guiding device (19) has a coiled or elongate, helical region (col.1 ll.29-35).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the air inlet of Kinmartin in view of the teaching of Kamiya in order to blow air within a vehicle passenger compartment in particular for an air heater arrangement (col.1 ll.14-17).

Conclusion

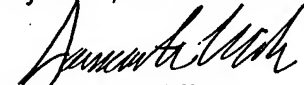
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As listed on PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah Cocks can be reached on 571-272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Samantha Miller
Examiner
Art Unit 3749
12/1/2006



JOSIAH C. COCKS
PRIMARY EXAMINER